

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-24 are pending in this application, Claims 1-3 and 5-7 having been amended by the present Amendment. Support for amended Claims 1-3 and 5-7 can be found, for example, in the original claims, drawings, and specification as originally filed.<sup>1</sup> No new matter has been added.

In the Office Action of April 18, 2008, Claims 1-7 and 17-18 were rejected under 35 U.S.C. § 102(e) as anticipated by Robins et al. (U.S. Patent No. 6,430,184; hereinafter “Robins”); Claims 9, 12, 14, 16, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos et al. (U.S. Patent No. 5,615,214; hereinafter “Chandos”); Claims 8, 10-11, 13, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins; and Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of admitted prior art (hereinafter “APA”).

In response to the rejections under 35 U.S.C. § 102(e) and § 103(a), Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to a process for transmitting asynchronous data packets including, *inter alia*,

... starting a packeting operation of asynchronous data  
in at least three packeting modules;

receiving, in said at least three packeting modules, a  
message directly from a message composition module when the  
message composition module needs a data packet;

interrupting said packeting operation based on said  
message;

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<sup>1</sup> See for example at Figure 5; and page 8, lines 6-22 of the specification.

transmitting a packet of asynchronous data from each of the at least three packeting modules formed during said packeting operation prior to said interrupting step even if the packeting operation of the asynchronous data is not completed; and

repeating said steps of starting, receiving said message, interrupting, and transmitting thereby transmitting a plurality of data packets,

wherein said message composition module directly receives packets outputted by said at least three packeting modules.

The Advisory Action of August 5, 2008 asserts that the Media-Independent Interface Octal Mac (“MOM”) described in Robins at column 9, line 55 to column 10, line 5 corresponds to Applicant’s claimed packeting module and that the FIFO described at column 23, line 47 to column 24, line 25 corresponds to Applicant’s claimed message composition module. Further, the Advisory Action asserts that the crediting signal described at column 23, line 47 to column 24, line 65 acts as a requesting message from the FIFO for a new packet.

However, Robins fails to teach or suggest “receiving, *in said at least three packeting modules, a message directly* from a message composition module when the message composition module needs a data packet,” as recited in Applicant’s amended independent Claim 1.

Assuming *arguendo*, that the MOM described in Robins corresponds to Applicant’s claimed packeting module, Figures 1 and 1a of Robins only show two MOM chips, a MOM 1 chip 10 and a MOM 2 chip 20. Thus, Robins fails to teach or suggest “receiving, *in said at least three packeting modules*, a message directly from a message composition module when the message composition module needs a data packet.” In addition, Robins does not describe that the MOM 1 chip 10 and the MOM 2 chip 20 receive the crediting signal (asserted to be

Applicant's message) *directly* from the FIFO, when the FIFO needs a packet, as required if Robins reads on Applicant's amended Claim 1.

Robins also fails to teach or suggest that "said message composition module *directly receives packets outputted by said at least three packeting modules*," as Figures 1 and 1a of Robins do not show the outputs of the MOM 1 and MOM 2 *directly connected* to the FIFO. In fact, as seen in Figures 1 and 1a, the MOM 1 and the MOM 2 are connected to each other, and do not contain outputs that connect to a common component. In addition, Robins does not describe at least three packeting modules, as discussed above.

Thus, Applicant respectfully submits independent Claim 1 (and all claims depending thereon) patentably defines over Robins.

Accordingly, Applicant respectfully requests the rejection of Claims 1-7 and 17-18 under 35 U.S.C. § 102(e) as anticipated by Robins be withdrawn. Further, Applicant respectfully submits that Chandos and APA fail to cure any of the above-noted deficiencies of Robins.

Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §103 be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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